

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
JANUARY 10, 2003**

The following narrative and summary highlights actions taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on January 10, 2003. The meeting was tape recorded and the tape is on file at the ABC Commission/Legal Division.

ROLL CALL

Acting Chair Ann Scott Fulton was present for the meeting, along with Commission Member Ricky Wright and Commission Member Mike Joyner.

MINUTES OF DECEMBER 13, 2002 MEETING

The Chairman asked Commission Member Ricky Wright and Commission Member Mike Joyner if they had any corrections or additions regarding the Commission minutes from the December 13, 2002, meeting. Commissioner Wright and Commissioner Joyner had no corrections or additions. The Chairman made a motion to approve and waive the reading of the minutes into the record. Seconded by Commissioner Joyner. So Ordered.

EXECUTIVE ORDER REGARDING CONFLICTS OF INTEREST

As required by Executive Order Number One, the Chairman asked Commissioner Wright and Commissioner Joyner if there were any known conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the Agenda. Commissioner Wright recused himself from case # 22 – Burkenstocks Wake Forest and Commissioner Joyner recused himself from case # 10 – Harris Teeter 209. The Chairman stated she found no conflicts of interest with regard to herself.

HEARING CASES – 82 listed.

Assistant Counsel Tim W. Morse spoke regarding contested case #1, Rock A Fellas, in town of Edenton. Mr. Morse stated that Administrative Law Judge James L. Conner, II, heard the case on May 21, 2001. He further stated that temporary permits were issued for June 17, 2001, and were valid through December 28, 2001, when an Official Notice of Rejection was sent to the respondent. Because of the objections from the community and local police, the temporary permits were pulled. Mr. Morse stated that prior to the opening of Rock A Fellas, a nightclub by the name of Stepping Out had operated at this same location and that the police had responded to numerous calls regarding domestic disturbances, drunks in the parking lot, accidents and large crowds of people gathering outside the business around closing time. The same clientel that had frequented

Stepping Out now frequented Rock A Fellas. Security was hired by the applicant, but was inadequate to handle the large crowds. Edenton Police helped with patrolling the area but this caused a strain on the police department when they needed to respond to other calls in the town. Mr. Morse stated that Administrative Law Judge James L. Connor II ruled that the application of the ABC permits was properly denied. The Chairman made a motion to ratify Judge Conner's decision and adopt it as the Commission's. Seconded by Commissioner Joyner. So Ordered.

Chief Deputy Counsel Fred A. Gregory stated that Vincent Cilluffo, of Franks Pizza, case # 48, was present to speak. Mr. Cilluffo stated that he had moved his spirituous liquor from one place to another place within the establishment; he stated that an agent told him that he needed to move the liquor out of his sight. Mr. Cilluffo stated that he was not aware that he needed a culinary permit. He used the liquor in preparation of the food. He further stated that if he had been told that he needed a culinary permit that he would have gotten one. Mr. Cilluffo said that he had stopped using the liquor in preparation of his food. Assistant Counsel LoRita Pinnix stated that it was clear from the violation report that the agent did believe that the liquor was there only for cooking. The Chairman asked what types of liquor were used. Commissioner Joyner asked the permittee if he would be interested in getting a culinary permit. Mr. Cilluffo stated that they would be moving to a bigger space and that in the future they would probably get the culinary permit. Commissioner Joyner made a motion to suspend the penalty on the condition that they not commit any ABC violations with in the next year. Seconded by Commissioner Wright. So Ordered.

There was one carry over case to the February Commission meeting:

#5 – Caton's Grocery

REMAINING OFFERS IN COMPROMISE

The Chairman made a motion to accept all other offers in compromise with the exception of #5, which had been continued. Seconded by Commissioner Wright. So Ordered.

OTHER BUSINESS

The following is a list of violation cases, in which Orders were signed by the Chairman on January 13, 2003, pursuant to the Commission's authorizing resolution dated November 8, 2002:

Jasper's - 4300 Northwest Cary Parkway, Cary, NC 27513
Freddie B's - 513 Deacon Boulevard, Winston-Salem, NC 27105
Kyles South Elm Amoco - 2915 South Elm Amoco, Greensboro, NC 27406
Red Apple 10 - US 258 and Cherry Street, Woodland, NC 27897
Red Apple 9 - Highway 305 and US 258, Rich Square, NC 27869
Mama Loo's Ming Garden - 1360 Highway 321 North, Hickory, NC 28601
Peachies Grocery and Grill - 9445 Main Street, Castalia, NC 27816
Majette Grocery - NC 46 and US 301, Garysburg, NC 27831
Little Market Basket 8 - Highway 16 and St. Peter's Church Road, Conover, NC 28613
Eckerd Drugs 1196 - 4808 West Market Street, Greensboro, NC 27407
Harpers Restaurant - 601 Friendly Center Road, Greensboro, NC 27408
Super Mart - 2519 Beatties Ford Road, Charlotte, NC 28216
Hops Restaurant Bar and Brewery - 9807 South Boulevard, Charlotte, NC 28273
College Hill Sundries - 900 Spring Garden Street, Greensboro, NC 27403
Glover's Grocery - Route 1, Sims, NC 27880
Jake's Billiards - 1712-B Spring Garden Street, Greensboro, NC 27403
Liberty Food Market - 638 West Sugar Creek Road, Charlotte, NC 28213
West Durham BP - 1922 West Main Street, Durham, NC 27705
Trubuy 37 - 621 Green Valley Road, Greensboro, NC 27408
Taqueria La Unica II - 2801 Central Avenue, Charlotte, NC 28205
Red Ball Grocery Store - 2521 North Graham Street, Charlotte, NC 28206
Red Apple 24 - US 258 South, Main Street, Rich Square, NC 27869

No other business, new or old, was heard. The Chairman made a motion to adjourn the meeting. Seconded by Commissioner Wright. So ordered.

With no further business, the meeting adjourned.

Ann Scott Fulton, Acting Chair
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

Tiffany C. Goodson, Legal Division